

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE APRIL 26, 2005

SENATE BILL

No. 411

Introduced by Senator Alarcon

February 17, 2005

An act to amend Section 41781.3 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as amended, Alarcon. Solid waste: nonbiodegradable materials: landfills.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. Under existing law, the act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, from landfill disposal or transformation through source reduction, recycling, and composting activities, except as specified. Existing law provides that the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover, is diversion *and not disposal* for purposes of that requirement.

This bill would instead require that if the alternative daily cover is comprised of woody and green material, that material ~~is to~~ *shall not be considered as being diverted and shall* be included in the amount of solid waste that is subjected to disposal for purposes of ~~those the~~

diversion requirements *of the act*, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

The bill would require the board to develop a schedule for excluding solid waste *that is* used as an alternative daily cover and ~~that is~~ comprised of woody and green material from being included in meeting the 50% diversion requirements of the act.

~~(2) Existing law requires the board to adopt regulations by December 31, 1997 that establish conditions for the use of alternative daily cover and to consider specified criteria when adopting those regulations.~~

~~This bill would require the board to adopt or revise those regulations and to additionally consider specified conditions regarding the biomass conversion industry.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3

4 (a) Californians create nearly 2,900 pounds, or one and
5 one-half tons, of household garbage and industrial waste each
6 and every second, which is a total of 45 million tons of waste per
7 year.

8 (b) Until recently, the only place to put that trash was in local
9 landfills. Today, however, waste and its by-products are being
10 recycled into more useful products. ~~Some waste materials can~~
11 ~~also be used as a fuel in power plants to create electricity or other~~
12 ~~forms of energy.~~

13 (c) At the present time, the amount of green materials
14 generated in California is in excess of the quantity that existing
15 markets can absorb. ~~The total estimated biomass resource~~
16 ~~potential of California is approximately 47 million bone dry tons.~~

1 It is thus in the interests of the state to encourage the expansion
2 of markets for green materials, ~~including biomass.~~

3 ~~(d) Currently, there are about 30 direct-combustion biomass~~
4 ~~facilities in operation. This is less than one-half of the facilities in~~
5 ~~operation during the industry's peak.~~

6 ~~(e)–~~

7 (d) It is the intent of the Legislature that the California
8 Integrated Waste Management Board, and other state agencies,
9 continue their efforts to promote the expansion of ~~biomass~~
10 ~~conversion, compost, compost~~ and other markets.

11 SEC. 2. Section 41781.3 of the Public Resources Code is
12 amended to read:

13 41781.3. (a) (1) The use of solid waste for beneficial reuse
14 in the construction and operation of a solid waste landfill,
15 including the use of alternative daily cover that is not comprised
16 of woody and green material and that reduces or eliminates the
17 amount of solid waste being disposed, for purposes of Section
18 40124, shall constitute diversion through recycling and shall not
19 be considered disposal for the purposes of this division.

20 (2) If the alternative daily cover is comprised of woody and
21 green material, that material shall not be considered as being
22 diverted, as defined in Section 40124, and shall be included in
23 determining the amount of solid waste that is subjected to
24 disposal for purposes of this division, in accordance with a
25 schedule adopted pursuant to subdivision (b).

26 (b) The board shall adopt a schedule for excluding solid waste
27 that is used as an alternative daily cover and is comprised of
28 woody and green material from being included in meeting the 50
29 percent diversion requirements of this division.

30 (c) The board shall adopt or revise regulations that establish
31 conditions for the use of alternative daily cover that are
32 consistent with this division. In adopting or revising the
33 regulations, the board shall consider, but is not limited to, all of
34 the following criteria:

35 (1) Those conditions established in past policies adopted by
36 the board affecting the use of alternative daily cover.

37 (2) Those conditions necessary to provide for the continued
38 economic development, economic viability, and employment
39 opportunities provided by the composting industry in the state.

1 ~~(3) Those conditions necessary to provide for the continued~~
2 ~~economic development, economic viability, and employment~~
3 ~~opportunities provided by the biomass conversion industry in the~~
4 ~~state.~~

5 ~~(4)–~~

6 (3) Those performance standards and limitations on maximum
7 functional thickness necessary to ensure protection of public
8 health and safety consistent with state minimum standards.

9 (d) In adopting regulations pursuant to this section, Section
10 40124, and this division, including, but not limited to, Part 2
11 (commencing with Section 40900), the board shall provide
12 guidance to local enforcement agencies on any conditions and
13 restrictions on the utilization of alternative daily cover so as to
14 ensure proper enforcement of those rules and regulations.

15 SEC. 3. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of
20 Section 17556 of the Government Code.